



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TRG
Docket No: 3066-00
2 November 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 31 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the navy on 19 October 1991 at age 18. The record shows that you received a nonjudicial punishment and were convicted by a summary court-martial. Your offenses were an unauthorized absence of about two days, absence from your place of duty, two instances of dereliction of duty and 15 instances of writing bad checks.

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. Subsequently, your commanding officer recommended that you be issued a general discharge stating, in part, as follows:

...(He) is incapable of adapting to the military lifestyle and should never have been recruited. ...

After review the discharge authority rejected the commanding officer's recommendation and directed that you be discharged under other than honorable conditions. You were so discharged on 26 July 1994.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and your claim that you have been a good citizen since discharge. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your conviction by summary court-martial of what appear to be serious offenses. There is nothing in the record to show the total amounts of the bad checks or the circumstances which led to these offenses. The Board concluded that the available documentation is sufficient to support a discharge under other than honorable conditions and a change in the discharge is not warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director